

MINUTES OF THE REGULAR CITY COUNCIL MEETING
WEDNESDAY- -FEBRUARY 3, 2010- -7:01 P.M.

Mayor Johnson convened the Regular Meeting at 7:31 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore, Matarrese, Tam and Mayor Johnson – 5.

Absent: None.

AGENDA CHANGES

(10-042) Vice Mayor deHaan stated that he requested that the Public Hearing to Consider a Call for Review [paragraph no. 10-053] be continued.

Mayor Johnson inquired whether anyone had any objection to continuing the item.

Marilyn Ezzy Ashcraft, Planning Board Member, responded that she does not have any objection to continuing the item; advance notice would be appreciated if the item is continued again.

Mayor Johnson stated the agenda indicates that Community Development placed the item on the agenda.

The Planning Services Manager stated Vice Mayor deHaan called the item for review.

Councilmember Gilmore inquired whether the item would have to be re-noticed if continued, to which the Planning Services Manager responded in the negative.

Mayor Johnson inquired whether a specific date is needed, to which the Planning Services Manager responded in the affirmative.

Mayor Johnson inquired what date would be set.

The City Attorney responded the date would be up to Council; stated the item could be placed on the next agenda.

Mayor Johnson stated that Councilmember Tam is indicating the next meeting has a lot of items.

The Deputy City Manager stated the first meeting in March is not as full at this point.

Councilmember Tam inquired what is the compelling reason for continuing the item.

Ms. Ezzy Ashcraft responded the Planning Board had no speakers in opposition to extending Kohl's operating hours; stated that she would not expect a great deal of

public opposition.

Vice Mayor deHaan stated that he would prefer to continue the item because the matter is a procedural item; further clarification is needed on some issues noted in the staff report; the Interim City Manager should be involved in the issue.

The Deputy City Manager stated Vice Mayor deHaan wants to discuss the matter with the Interim City Manager before hearing the item.

Mayor Johnson inquired whether Kohl's would be impacted, to which Vice Mayor deHaan responded in the negative; stated the extended operating hours are requested for November.

Mayor Johnson stated the item would be continued to March 2, 2010.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(10-043) Proclamation Declaring January 30, 2010 to April 4, 2010 as a Season for Nonviolence.

Mayor Johnson read and presented the proclamation to Tracy Jensen, School Board Member.

Board Member Jensen submitted a handout; thanked Council for the proclamation; stated that she looks forward to the Council and community joining in the Alameda Collaborative celebration.

CONSENT CALENDAR

Vice Mayor deHaan moved approval of the Consent Calendar.

Councilmember Tam seconded the motion, which carried by unanimous voice vote – 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*10-044) Minutes of the Special City Council Meeting held on January 26, 2010. Approved.

(*10-045) Ratified bills in the amount of \$4,090,975.04.

(*10-046) Recommendation to Adopt Plans and Specifications and Authorize a Call for Bids for the Neighborhood Library Improvement Program, No. P.W. 10-09-29. Accepted.

(*10-047) Resolution No. 14414, "Appointing an Engineer and an Attorney for Island City Landscaping and Lighting District 84-2. " Adopted.

(*10-048) Resolution No. 14415, "Appointing an Engineer and an Attorney for Maintenance Assessment District 01-1 (Marina Cove)." Adopted.

(*10-049) Resolution No. 14416, "Approving a Revised Memorandum of Understanding Between the Alameda Police Managers Association and the City of Alameda for the Period of January 6, 2008 Through February 27, 2010." Adopted.

(*10-050) Resolution No. 14417, "Designating Alameda as a Preserve America Community and Authorizing the Submission of an Application for Preserve America Grant Funding." Adopted.

CITY MANAGER COMMUNICATIONS

(10-051) 24/7 Residential Property Managers for Large Multi-Family Housing Complexes

The Building Official gave a Power Point presentation.

Mayor Johnson stated the State requirements seem fine; a lot of fire calls are received for situations that should be handled by building managers; State requirements could be put into effect by a certification on the business license; Fire Department protocols should include having a building manager meet the Fire Department on site for non-emergency calls.

Councilmember Gilmore stated a fine has been implemented for non-emergency calls; that she would like to know how the fine is working; determining whether the fine is enough and is a deterrent should be reviewed.

Mayor Johnson stated that she hopes the fines are having an impact on reducing maintenance calls to the Fire Department; the City should have contact information for both on-site and off-site managers.

Councilmember Matarrese stated the Municipal Code conforms with the State and does not need to be changed; ensuring that multiple unit buildings have a business license, certified contact information for on-site managers, and posted contact information for smaller units is a step in the right direction.

Vice Mayor deHaan stated that he has a concern with communication procedures between departments.

The Deputy City Manager stated that she is not aware of any reporting procedure but would look into the matter.

Councilmember Matarrese stated procedures need to be in place for instances when

the Fire Department arrives and there is no on-site manager of a twenty-unit building.

Mayor Johnson stated Fire Department protocol should include having a list of contact information for on-site managers; the fire report should indicate whether an on-site manager or designated person was at the scene.

Vice Mayor deHaan stated procedures could include having the Fire Department contact the on-site manager before leaving the scene.

The Building Official stated coordination is good between Fire Prevention and Code Enforcement.

Councilmember Tam stated that less than four percent of calls are for maintenance; inquired how many calls are related to multi-family units; further inquired whether verifying whether there is an on-site manager would require additional cost recovery.

The Building Official responded the Fire Department already inspects multi-family units.

Councilmember Tam stated the Code requires that property manager information be posted and current for even five units.

The Building Official stated information needs to be posted for five to fifteen units; sixteen or more units require an on-site manager.

Mayor Johnson stated the requirements seem to be reasonable and do not need to be changed; obtaining contact information at the time of issuing a business license makes sense.

The Deputy City Manager stated a report will be brought back on types of calls and whether the calls were for multi-family units; that she will gather information from the Fire Department.

Mayor Johnson stated protocols need to be developed.

Councilmember Matarrese stated the certification process could be facilitated through the business license process.

Speaker: Steven Edrington, Rental Housing Association of Northern Alameda County.

REGULAR AGENDA ITEMS

(10-052) Public Hearing to Consider Resolution No. 14418, "Joining the CaliforniaFIRST Program, Authorizing the California Statewide Communities Development Authority to Accept Applications from Property Owners, Conduct Contractual Assessment Proceedings and Levy Contractual Assessments Within the Territory of the City of Alameda, and Authorizing Related Actions." Adopted;

(10-052A) Resolution No. 14419, “Authorizing Sacramento County to Act as Lead Applicant for a Municipal Financing Program Grant.” Adopted; and

(10-052B) Resolution No. 14420, “Authorizing the Association of Bay Area Governments to Act as Lead Applicant for a California Comprehensive Residential Building Retrofit Grant.” Adopted.

The Deputy City Manager gave a brief presentation.

Mayor Johnson stated the program started in Berkeley and has been very successful.

Councilmember Tam inquired whether the CaliforniaFIRST Program would enable property owners to seek loans.

The Deputy City Manager responded the City would need to join the CaliforniaFIRST Program in order to make loans available to property owners; commercial loans would be included also.

Councilmember Tam inquired whether the School District would be included; to which the Deputy City Manager responded all property owners would be eligible.

In response to Councilmember Tam's inquiry, the Alameda Municipal Power General Manager responded the top ten users use approximately 20% of the City's energy.

Speaker: Robb Ratto, Park Street Business Association.

Councilmember Matarrese moved adoption of the resolutions.

Councilmember Gilmore seconded the motion, which carried by unanimous voice vote – 5.

(10-053) Public Hearing to Consider a Call for Review of the Planning Board's Modification of a Use Permit for Extended Hours of Operation at the Kohl's Store Located at 2201 South Shore Center, and Adoption of Related Resolution. Continued to March 2, 2010.

(10-054) Recommendation to Authorize the Interim City Manager to Submit Applications Totalling \$3,465,489 to the East Bay Regional Park District Under the Measure WW Grant Program.

The Recreation and Park Director gave a brief presentation.

Councilmember Matarrese inquired whether the projects listed for the 2011 cycle could be submitted for 2010, to which the Recreation and Park Director responded in the negative.

Councilmember Gilmore inquired whether an account has been identified to front the money for Krusi and Tillman Parks, to which the Recreation and Park Director responded in the affirmative.

Councilmember Gilmore requested an Off Agenda Report on where the money is coming from; inquired whether the existing play structures do not meet Americans with Disabilities Act (ADA) requirements or are falling apart, to which the Recreation and Park Director responded both.

Councilmember Gilmore inquired whether Measure WW requires a twenty-five year lifespan.

The Recreation and Park Director responded that the East Bay Regional Park District has advised that structures are allowed.

Vice Mayor deHaan inquired whether the projects [Krusi Park renovations and Tillman Park play structure replacement] were reviewed and considered priorities by the Recreation and Park Commission, to which the Recreation and Park Director responded in the affirmative.

Vice Mayor deHaan inquired whether identifying uses for the \$1 million loan to the Boys and Girls Club is required, to which the Recreation and Park Director responded in the negative.

In response to Councilmember Tam's inquiry regarding tennis court resurfacing, the Recreation and Park Director stated tennis court resurfacing is guaranteed for twenty-five years.

Councilmember Tam inquired whether the other projects [Lincoln Park Recreation Center and field renovation, Encinal Boat Ramp restroom replacement, Athletic Field lighting renovation, and park tennis court resurfacing] would fall within the twenty-five year lifespan, to which the Recreation and Park Director responded in the affirmative.

Mayor Johnson stated the staffs report notes that the tennis courts at Washington, Krusi, and Leydecker Parks would be resurfaced.

The Recreation and Park Director stated that he hopes to resurface the tennis court at Lincoln Park also.

Speakers: Jean Sweeney, Alameda; Jim Sweeney, Alameda; Rosemary McNally, Alameda.

Councilmember Matarrese moved approval of submitting applications for Krusi Park renovations and replacement of the play structure at Tillman Park.

Vice Mayor deHaan seconded the motion, which carried by unanimous voice vote – 5.

Councilmember Gilmore moved approval of submitting the application for the Boys and Girls Club facility construction.

Councilmember Tam seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Gilmore, Tam and Mayor Johnson – 3. Noes: Councilmembers deHaan and Matarrese – 2.

ORAL COMMUNICATIONS, NON-AGENDA

(10-055) Jean Sweeney, Alameda, stated that a house at Fifth Street and Central Avenue has been vacant for three years; the house is a fire hazard; that she thinks the property owner wanted to increase the number of apartments which would not have been allowed under Measure A

Mayor Johnson stated that the property owner applied for a permit to do some work and then did a lot of unapproved demolition; that she went to see the building with the Interim City Manager and Building Official; requested staff to provide an update.

The Deputy City Manager stated that she would discuss the issue with the Building Official.

Mayor Johnson requested an Off Agenda Report be provided; stated the property has been subdivided; information should be provided on said issue.

Councilmember Gilmore stated years ago, some people were evicted from a building on Central Avenue; the building was a hazard and was boarded up; the process took years; said situations are not an easy fix.

Vice Mayor deHaan stated updates are provided on a continual basis; a formal response is needed; boarding up abandoned buildings is just the beginning of the process; then, the building needs to be brought up to standards.

Mayor Johnson stated the City has tried different tools for similar cases, but none seem to be satisfactory.

(10-056) Richard Bangert, Alameda, stated the Chambers audio/visual feed has technical difficulty; panoramic shots are fine, but the audio is distorted during close ups; suggested that the issue be reviewed.

Mayor Johnson suggested that streaming video be reviewed also.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(10-057) Consideration of Mayor's Nomination for Appointment to the Recreation and Park Commission.

Mayor Johnson nominated Bill Delaney for appointment to the Recreation and Park Commission.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the meeting at 8:40 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND
PUBLIC UTILITIES BOARD (PUB) MEETING
WEDNESDAY- -FEBRUARY 3, 2010- -6:00 P.M.

Mayor Johnson convened the Special Joint Meeting at 6:00 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore, Matarrese, Tam, and Mayor Johnson; Acting Board Member Goldman, Board Members Hamm, Holmes, McCahan, McCormick – 10.

Note: Board Member McCahan was present via teleconference from 78-6800 Alii Drive #3, Kailua-Kona, HI 96740

Absent: None.

The Joint Meeting was adjourned to Closed Session to consider:

(10-040 CC/PUB) Conference with Legal Counsel – Existing Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9; Name of Cases: Vectren Communication Services v. City of Alameda, Acting By and Through Alameda Municipal Power; Bernard A. Osher, Trustee v. City of Alameda, et al; City of Alameda on Behalf of Itself and Alameda Municipal Power, et al v. Nuveen Municipal High Income Opportunity Fund, et al.

(10-041 CC) Conference with Labor Negotiators; Agency Negotiators: Human Resources Director; Employee Organizations: Alameda Police Managers Association.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that regarding Existing Litigation, the City Attorney/Legal Counsel provided an update of the status of the litigation and received direction on legal strategy from the City Council and the PUB; regarding Labor, the Labor Negotiator provided a briefing to Council on the status of negotiations.

Adjournment

There being no further business, Mayor Johnson adjourned the meeting at 7:05 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.